

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
RAMON HERNANDEZ,	:	
	:	
Plaintiff,	:	21 Civ. 2397 (LGS)
	:	
-against-	:	
	:	<u>ORDER</u>
CITY OF NEW YORK et al.,	:	
	:	
Defendants,	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on March 18, 2021, Plaintiff's case was removed to this Court;

WHEREAS, on July 13, 2021, Defendant served its motion to dismiss to Plaintiff without filing the motion on the docket pursuant to the "bundling rule," which is not a general rule of the court and is inapplicable here;

WHEREAS, Plaintiff's deadline to file his response to the motion to dismiss was August 3, 2021;

WHEREAS, Plaintiff's deadline to file his response to the motion to dismiss was twice extended to September 7, 2021 (Dkt No. 25, 28);

WHEREAS, on September 8, 2021, Plaintiff filed a First Amended Complaint in response to Defendant's motion to dismiss (Dkt. No. 29);

WHEREAS, "if the pleading is one to which a responsive pleading is required," a party may amend its pleading once as a matter of course within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (c), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B).

WHEREAS, Plaintiff properly sought and was granted extensions to respond to Defendant's motion to dismiss;

WHEREAS, Defendant moved to strike Plaintiff's First Amended Complaint (Dkt. No. 30). It is hereby

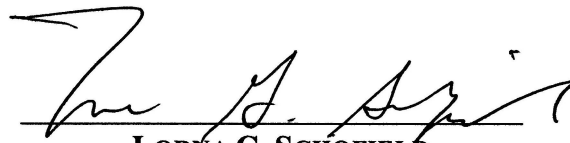
ORDERED that the First Amended Complaint is received in the record *nunc pro tunc* as timely filed, and Defendant's motion to strike is DENIED. It is further

ORDERED that Defendant's motion to dismiss the original Complaint is DENIED as moot. It is further

ORDERED that Defendant shall *file* an answer, motion or other response to the First Amended Complaint by September 27, 2021.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 30.

Dated: September 13, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE